

Charles A. Pascal, Jr.
Attorney at Law

402 Grant Avenue
Leechburg, Pennsylvania 15656

Phone: (724) 954-3770

Email: attorney.pascal@gmail.com

May 6, 2014

RECEIVED
FEDERAL ELECTION
COMMISSION
2014 MAY 15 PM 1:25
OFFICE OF GENERAL
COUNSEL

Office of the General Counsel
Federal Election Commission
Attn: Jeff S. Jordan, Assistant General Counsel
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 6807
Erin McClelland for Congress

Dear Mr. Jordan,

This office represents the Erin McClelland for Congress Committee, and this letter is in response to the Commission's letter of 4/18/2014 concerning the complaint brought by Ms. Megan Carpenter.

Ms. McClelland is a candidate for Congress in the 12th Congressional District of Pennsylvania; she is also the president and executive director of Arche Wellness Foundation, a Pennsylvania nonprofit corporation offering drug and alcohol rehabilitation and related services.

There was no 'in kind contribution' by the corporation to Ms. McClelland or to the Erin McClelland for Congress Committee within the meaning of 11 CFR § 100.52(a) in that the advertisement in question was not "for the purpose of influencing any election for Federal office," but rather to promote the healthcare services of the corporation. Ms. Carpenter, in her complaint, indicates that she believes that, in the advertisement, Ms. McClelland was acting as the "spokeswoman ... regarding the services the Foundation provides" and this is a statement with which we agree.

Furthermore, there was no "coordinated communication" within the meaning of 11 CFR § 109.21. The campaign had no involvement in the production or message in the advertisement for Arche Wellness. The "content standard" of subsection (a)(2) has not been violated as the advertisement is not an "electioneering communication" under subsection (c)(1) because the commercial does not refer to any "candidate for Federal office" as provided by 11 CFR § 100.29.(a)(1). The advertisement lacks any language which could be construed as a plea to elect or defeat a candidate for Federal office consistent with subsection (c)(3) and does not refer to any candidate as required by the provisions of subsection (c)(4), nor does the language in the commercial by Ms. McClelland does not make "an appeal to vote for or against any candidates as provided by subsection (c)(5).

In addition, the campaign asserts that the advertisement falls within the "Safe Harbor for commercial transactions" provision of 11 CFR § 109.21(i) which reads:

A public communication in which a Federal candidate is clearly identified only in his or her capacity as the owner or operator of a business that existed prior to the candidacy is not a coordinated communications with respect to the clearly identified candidate if

- (1) The medium, timing, content, and geographic distribution of the public communication are consistent with public communication made prior to the candidacy; and
- (2) The public communication does not promote, support, attack, or oppose that candidate or another candidate who seeks the same office as that candidate.

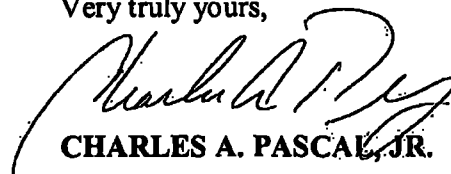
Throughout her association with Arche Wellness, LLC, which Ms. McClelland founded in 2002, Ms. McClelland has appeared in television advertisements and otherwise has promoted Arche Wellness and its drug and alcohol rehabilitative services to the public in advertisements similar to the one in question. In August, 2013, the Arche Wellness Foundation, a nonprofit corporation, acquired the business and assets of Arche Wellness, LLC; the only change, as the campaign understands it, is that the corporation was converted from for-profit to nonprofit status.

The content of the advertisement in question deals wholly with the programs of Arche Wellness, and the message in the advertisement is consistent with the advertisements which Arche Wellness has run in the past. There is no political message either expressed or implied in the content of the advertisement. The "Safe Harbor" provisions have therefore been met.

The campaign therefore asserts that the Complaint filed by Megan Carpenter is without merit, and we respectfully request that it be dismissed with prejudice.

Should you require more information from the campaign with regard to this matter, please don't hesitate to contact me.

Very truly yours,



CHARLES A. PASCAL, JR.



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999 E Street, NW
Washington, DC 20463

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OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer.
FAX (202) 219-3929

MUR # 6907

NAME OF COUNSEL: Charles A. Pascal, Jr.

FIRM: Charles A. Pascal, Jr., Esq.

ADDRESS: 402 Grant Ave.,

Leechburg, PA 15656

TELEPHONE- OFFICE (724) 954-3770

FAX (412) 301-2240

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5/6/14 David Green Treasurer
Date Respondent/Agent - Signature Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Erin McClelland for Congress Committee

MAILING ADDRESS: P.O. Box 2824
(Please Print)

Lower Burrell, PA 15068

TELEPHONE- HOME ()

BUSINESS (412) 781-1940

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.